UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/339,325	06/23/1999	YOAV SHOHAM	ARIBP032	2458

21912   7590   04/15/2008
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EXAMINER
VAN BRAMER, JOHN W

ART UNIT	PAPER NUMBER
3622	

MAIL DATE	DELIVERY MODE
04/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *25 January 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11-13,22 and 24-43* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11-13,22 and 24-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   The amendment filed on January 25, 2008, has amended Claims 22, 28, and

36. No claims were cancelled and no new claims were added. Thus, the currently

pending claims considered below remain Claims 11-13, 22 and 24-43.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102

that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under
section 122(b), by another filed in the United States before the invention by the
applicant for patent or (2) a patent granted on an application for patent by
another filed in the United States before the invention by the applicant for patent,
except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application
filed in the United States only if the international application designated the
United States and was published under Article 21(2) of such treaty in the English
language.

3.   Claims 11-13, 22 and 24-43 are rejected under 35 U.S.C. 102(e) as being

anticipated by Woolston (U.S. Patent Number: 5,845,265).

Claims 22, 28, and 36: Woolston discloses a universal auction specification system,

method of managing the trading of goods auctioned by auction participants, and

computer program product for managing the trading of goods auctioned by auction

participants comprising:

a. A market specification console (posting terminal 700) configured to receive at

least one market protocol from a user to dictate the behavior of a universal

auction system, the at least one market protocol including a customizable set of

at least one market phase, wherein the market phase is defined by one or more

user selectable trading primitives. (Col 4, lines 10-37; Col 5, line 48 through Col

6, line 53; Col 10, lines 3-18; and Col 15, line 23 - Col 16, line 58).

b. A programmable auction server (market maker computer 800) in communication

with the market specification console, the programmable auction server to

receive the at least one market protocol defined by the market specification

console, the programmable auction server to implement the protocol to deploy

the universal auction system and to manage trading of at least one good

auctioned by at least one auction participant in the universal auction system. (Col

4, lines 39-58; Col 5, line 48 through Col 6, line 53; and Col 14, lines 51-63).

Claims 11, 29, and 37: Woolston discloses a system, method, and computer

program for conducting auctions as in Claims 22, 28, and 36 respectively, wherein

the at least one market specification console includes a graphical user interface to

configure the at least one market protocol. (Col 15, line 23 - Col 16, line 58; and

Figure 13).

Claims 12, 30, and 38: <u>Woolston</u> discloses a system, method, and computer

program for conducting auctions as in Claims 11, 29, and 37 respectively, wherein

the at least one market protocol is predefined in parameterized form on the graphical

user interface. (Col 15, line 23 - Col 16, line 58; and Figure 13)

Claims 13, 31, and 39: <u>Woolston</u> discloses a system, method, and computer

program for conducting auctions as in Claims 11, 29, and 37 respectively, wherein

the user defines arbitrary market protocols via the graphical user interface. (The user

in <u>Woolston</u> uses the GUI to enter all of the selections pertaining to the auction when

setting up the auction for posting to the auction server. These protocols are in both

parameterized form, such as category or subcategory, as well as arbitrary protocols

such as reserve price and auction date.)(Col 5, line 48 through Col 6, line 53; Col 15,

line 23 - Col 16, line 58; and Figure 13)

Claims 24, 32, and 40: Woolston discloses a system, method, and computer

program for conducting auctions as in Claims 22, 28, and 36 respectively, wherein

the market phase includes an interval in which at least one transaction occurs. (Col

5, line 48 through Col 6, line 53)

Claims 25, 33, and 41: Woolston discloses a system, method, and computer

program for conducting auctions as in Claims 22, 32, and 40 respectively, wherein

the transaction is selected from the group including submitting a bit, admitting a bid,

withdrawing a bid, and replacing a bid. (Col 5, line 48 through Col 6, line 53; Col 15, line 23 - Col 16, line 58)

Claims 26, 34, and 42: Woolston discloses a system, method, and computer program for conducting auctions as in Claims 22, 32, and 40 respectively, where in the phase is terminated by a condition. (Col 5, line 48 through Col 6, line 53)

Claims 27, 35, and 43: Woolston discloses a system, method, and computer program for conducting auctions as in Claims 26, 34, and 42 respectively, wherein the condition is a time period. (Col 5, line 48 through Col 6, line 53)

Response to Arguments

4.   Applicant's arguments filed January 25, 2008 have been fully considered but they are not persuasive. The applicant argues that designating the reserve price of an item and determining whether to list the item in an auction is not the same as receiving from a user "at least one market protocol" that is used "to dictate the behavior of a universal auction system", the protocol including a customizable set of at least one market phase, wherein the market phase is defined by one or more user selectable trading primitives. However, the reserve price of an item is a trading primitive that dictates when the auction (at least one market phase) terminates.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory action

is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from

the mailing date of the advisory action. In no event, however, will the statutory

period for reply expire later than SIX MONTHS from the mailing date of this final

action.

6.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to John Van Bramer whose telephone number is

(571) 272-8198. The examiner can normally be reached on 6am - 4pm Monday

through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax

phone number for the organization where this application or proceeding is assigned

is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

only. For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like

assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-

272-1000.

jvb
/J. V./
Examiner, Art Unit 3622

/Eric W. Stamber/
Supervisory Patent Examiner, Art Unit 3622

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination
	09/339,325	SHOHAM ET AL.
	Examiner	**Art Unit**
	John Van Bramer	3622